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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masayuki Kitagawa)
App. No. : 09/757,314)
Filed : January 9, 2001)
For : SYSTEM FOR ASSOCIATING A)
FUNCTION TO AN ENTITY)
CAPABLE OF COMMUNICATING)
DATA ACROSS AN INTERFACE)
Examiner : Unknown

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

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(949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Mitsumi Electric Co., Ltd.

Dated: May 7, 2001

By: Mutsuji Kihara
Name Mutsuji Kihara

Title: Section Manager, IP Dept., R&D Division

Address: 8-8-2, Kokuryo Cho
Chofu-Shi, Tokyo 182-8557 JAPAN

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**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEM FOR ASSOCIATING A FUNCTION TO AN ENTITY CAPABLE OF COMMUNICATING DATA ACROSS AN INTERFACE**; the specification of which was filed on **January 9, 2001** as Application Serial No. **09/757,314**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **Masayuki Kitagawa**

Inventor's signature

Masayuki Kitagawa

Date

April 25, 2001

Residence: **258 Santa Louisa, Irvine, CA 92606**

Citizenship: **JAPAN**

Post Office Address: **same**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

Application No.: 09/757,314
Filing Date: January 9, 2001

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PATENT
Client Code: MITUM22.001AUS
Page 1

ASSIGNMENT

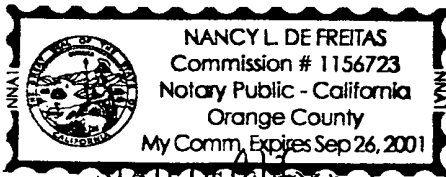
WHEREAS, I, Masayuki Kitagawa, a Japan citizen, residing at 258 Santa Louisa, Irvine, California 92606, have invented certain new and useful improvements in a SYSTEM FOR ASSOCIATING A FUNCTION TO AN ENTITY CAPABLE OF COMMUNICATING DATA ACROSS AN INTERFACE for which I have filed an application for Letters Patent in the United States, 09/757,314 January 9, 2001;

AND WHEREAS, Mitsumi Electric Co., Ltd. (hereinafter "ASSIGNEE"), a Corporation, with its principal place of business at 8-2 Kokuryo 8-Chome, Chofu-City, Tokyo 182 Japan, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, his successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, his successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, his successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, his successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of April, 2001.



Masayuki Kitagawa
Masayuki Kitagawa

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COUNTY OF Orange

ss.

On 4/25/01, before me, Nancy L. De Freitas, personally appeared Masayuki Kitagawa personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

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Nancy L. De Freitas
Notary Signature

The difference between the claimed invention and the prior art**1. Claims 1, 10 and 11**

Claimed invention	Oguma (US 6,516,205)	Comments
At least one detector detects a function of the second entity	<p>The voltage detecting circuit (64) only detects <u>whether</u> the host PC (1) is <u>connected to the terminal (5)</u> and the level detecting circuit (61) only detects <u>a current state of the host PC (1)</u> as to whether the PC (1) is either in an operational mode or in a non-operational mode.</p> <p><u>Neither of the detecting circuits (61, 64) detects a function of the PC (1) as to whether it acts as a host or a device. Furthermore, the terminal (5) does not need to detect a function because the PC (1) is predetermined to be a host. The functionality of the PC (1) never changes.</u></p>	<p>The Examiner asserts that when the host PC (1) is in suspended mode, it is no longer a host and therefore, does not exhibit any host functions or bus manager functions, and therefore it can be simply regarded as a device with device functions.</p> <p>However, Oguma neither explicitly or inherently discloses that the host PC (1) can function as host and a device. In addition, the host PC (1) is predetermined to be a host, thus it does not function as a device. Thus, <u>even if the host PC (1) is in suspended mode (non-operational mode), the host PC (1) does not perform a device function.</u></p>
The function select mechanism selects one function from the first and second functions in the first entity <u>in response to the detected function</u> of the at least one detector	The bus manager circuit (62) selects either the bus manager function or the bus slave function <u>based on the (detected) current state or mode (operational mode or non-operational mode) of the host PC (1).</u> That is, the bus manager circuit (62) is not functionally related to detecting a function of the host PC (1).	Neither of the detecting circuits (61, 64) needs to, nor does, detect a function of the host PC (1). Therefore, the bus manager circuit (62) actually does not select one of the functions <u>in response to a (detected) function</u> of the host PC (1).

In conclusion, Oguma does not disclose at least one detector which detects a function of the second entity. In addition, Oguma does not disclose the function select mechanism which selects one of the two functions in response to the detected function of the at least one detector.

2. Claims 16 and 17

Claim 16 recites the detector and function select mechanism of Claim 1, and additionally recites a first entity having a host function and a device function, and a second entity having a device function. Claim 17 recites the detector and the function select mechanism of Claim 1, and additionally recites a first entity having a host function and a device function, and a second entity having a host function and a device function.

Claims 16 and 17 are allowable for at least the same reasons as in Claims 1, 10 and 11 and Oguma does not show these added limitations.

Rejection of Claims under 35 U.S.C. § 112, ¶ 2

Claim Language	Examiner's Rejections	Comments
Each of Claims 1 and 10 recites: i) a first entity having first and second functions, a detector, and a function select mechanism, ii) a second entity having at least one of the first and second functions, and iii) an interface for <u>connecting</u> the first entity and the second entity, iv) wherein the detector <u>detects a function of the second entity</u> when connected to first entity, and v) <u>the function select mechanism selects one function from the two functions in the first entity in response to the detected function.</u>	The Examiner has rejected Claims 1 and 10 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner asserts that the essential structural relationships between the elements "first entity," "second entity," "detector," and "function select mechanism" are not recited in Claims 1 and 10.	Both of the recited interface and detector provide a connection or relationship between the first entity and the second entity. In addition, the function select mechanism provides a connection or relationship between the detector and the first entity. Thus, each of Claims 1, 10 and 11 recites all essential structural relationships.
Each of Claims 1 and 10 recites: A method of selecting one function <u>from</u> a first function and a second function in a first entity.	The Examiner has rejected Claims 13 and 15 as the limitation "selecting one <u>out of</u> a first function and a second function" is unclear.	The claim language has been already amended from "selecting one out of..." to "selecting one <u>function from...</u> " in the previous response.